

3:23-mj-00074

DISTRICT OF OREGON, ss:

AFFIDAVIT OF ADAM OTTE

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Adam Otte, being duly sworn, hereby state as follows:

Introduction and Agent Background

1. I am currently employed as a Special Agent with the Drug Enforcement Administration (“DEA”), United States Department of Justice, and have been so employed since 2004. In that capacity, I investigate violations of the Controlled Substances Act, Title 21, United States Code, Section 801, *et. seq.* Until September 2012, I was assigned to the Seattle Field Division Office. In September 2012, I was assigned to the Salem, Oregon Resident Office. I have completed 16 weeks of DEA Basic Agent training at the Justice Training Center in Quantico, Virginia. I am familiar with investigations of drug trafficking organizations, methods of importation and distribution of controlled substances, and financial investigations. I have been a case agent on multiple investigations involving organizations trafficking controlled substances, including cocaine, heroin, methamphetamine, and fentanyl. I have been the lead case agent or a co-case agent on several wiretap investigations as well as numerous other investigations. In each of these investigations, I have participated in directing the course of the investigation. These investigations have resulted in the seizure of controlled substances as well as millions of dollars of United States currency and the federal prosecution of more than 100 defendants.

Purpose of Affidavit

2. This affidavit is submitted to support a criminal complaint and arrest warrant for Pilar Antonio Ruiz-Ruiz, Hispanic male, date of birth xx/xx/1989 (“RUIZ”), for violations of
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Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(A) (Possession with Intent to Distribute the Controlled Substance Fentanyl).

3. This affidavit is intended to show only that there is sufficient probable cause for the requested criminal complaint and arrest warrant and does not set forth all of my knowledge about this matter. I have obtained the facts set forth in this affidavit through my personal participation in the investigation described below; from oral and written reports of other law enforcement officers; and, from records, documents and other evidence obtained during this investigation. I have obtained and read official reports prepared by law enforcement officers participating in this investigation and in other related investigations.

Statement of Probable Cause

4. On April 17, 2023, at approximately 2:00 p.m., Oregon State Police (“OSP”) Trooper Miller, who is a drug canine handler for OSP, initiated a traffic stop on a Toyota Rav-4 (“Rav-4”) in Keizer, Oregon for the traffic violations of failure to signal and failure to maintain lane. The Rav-4 was occupied by only the driver who identified himself to Trooper Miller as “Antonio Ruiz” and who was later identified as RUIZ. RUIZ did not speak English and Trooper Miller attempted to communicate using Google Translate. RUIZ had no valid driver license or other form of identification and was unable to provide any registration for the Rav-4. Trooper Miller requested a Spanish-speaking officer to provide backup and to communicate with RUIZ. According to OSP Troopers with whom I’ve spoken, it is against OSP policy to permit a driver without a valid driver license to drive on a public roadway.

5. Approximately 10 to 15 minutes after Trooper Miller’s initial contact with RUIZ, a second officer arrived on scene and approached RUIZ. This officer is a fluent Spanish speaker,
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and he was able to communicate with RUIZ in Spanish. RUIZ confirmed in Spanish that he had no driver license.

6. After the arrival of the Spanish-speaking officer, Trooper Miller observed that RUIZ put his hand on the gear shift multiple times. Trooper Miller, through the Spanish-speaking officer, later asked RUIZ to turn off the engine and exit the vehicle. Trooper Miller conducted a safety pat down of RUIZ and located approximately \$2,000 United States currency in RUIZ's back pants pocket. Within approximately three minutes of the arrival of the Spanish-speaking officer, Trooper Miller deployed his canine to the exterior of the Rav-4 and reported that his canine provided a positive alert to the presence of controlled substances. Trooper Miller's canine is trained to detect the odors of heroin, cocaine, and methamphetamine. Trooper Miller then searched the Rav-4 and located a lunch box in the passenger compartment of the Rav-4. Inside the lunchbox were multiple suspected controlled substances: (1) suspected fentanyl tablets, (2) suspected fentanyl powder, (3) suspected heroin, and (4) suspected cocaine.

7. SA Thomas and I later inspected these controlled substances and noted that the suspected fentanyl tablets were light blue in color and marked with "M" on one side and "30" on the other side. These tablets were packaged in plastic wrap of varying quantities. Based on my estimations, there were five packages of approximately 500 tablets, 21 packages of approximately 100 tablets, nine packages of approximately 50 tablets, and six packages of approximately 25 tablets or a total of approximately 5,200 tablets weighing approximately 517 grams (including the plastic). Based on the manner in which these tablets were packaged and my training and experience, I believe they were packaged for distribution and not personal use. These tablets were not subject to a field test.

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8. Based on my training and experience, I further know that drug traffickers regularly sell counterfeit M30 prescription oxycodone tablets that are manufactured with fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide), a Schedule II controlled substance. These counterfeit tablets are designed to replicate real 30 mg Oxycodone Hydrochloride tablets, which are round, blue in color, and stamped with an “M” and “30” on them. Drug dealers regularly counterfeit these tablets and, while attempting to replicate the round shape, the blue color, and the stamp of “M” and “30,” they are instead manufacturing these tablets with fentanyl as the active ingredient. I have seen and seized tens of thousands of these counterfeit M30 tablets and lab reports have confirmed the presence of fentanyl within many of them. Based on my training and experience, I know that a person possessing several thousand suspected fentanyl tablets does not possess those tablets for personal use but rather such a quantity indicates that they are possessed for purposes of further distribution.

9. I also inspected the other controlled substances seized from the lunch box. The suspected fentanyl powder, cocaine, and heroin were subjected to field tests, which provided presumptive positive results for the presence of each respective controlled substance. The fentanyl powder weighed about 235 grams, the heroin weighed about 300 grams, and the cocaine weighed about 130 grams. Based on the weights of these suspected controlled substances, I believe they were also possessed by RUIZ for further distribution.

10. After discovery of suspected controlled substances in his vehicle, agents took the driver of the Rav-4 into custody. Based on a scan of his fingerprints, agents subsequently identified him as RUIZ.

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Conclusion

11. Based on the foregoing, I have probable cause to believe, and I do believe, that RUIZ committed the crime of possession with intent to distribute fentanyl, in violation of Title 21, United States Code, Section 841(a)(1), and 841(b)(1)(A). I therefore request that the Court issue a criminal complaint and arrest warrant for RUIZ.

12. Prior to being submitted to the Court, this affidavit and the accompanying complaint and arrest warrant were reviewed by Assistant United States Attorney Peter Sax. AUSA Sax advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

By phone pursuant to Fed R. Crim. P. 4.1
ADAM OTTE
Special Agent
Drug Enforcement Administration

Subscribed and sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 10:16 am on April 18th, 2023.



HON. YOULEE YIM YOU
UNITED STATES MAGISTRATE JUDGE